

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 141, As Amended

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES AND RULES OF THE ROAD; TO PROVIDE LEGISLATIVE INTENT; AND AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-610, IDAHO CODE, TO PROVIDE THAT NO PERSON OPERATING A MOTOR VEHICLE SHALL USE AN ELECTRONIC DEVICE THAT CAUSES SUCH PERSON TO BE DISTRACTED OR OTHERWISE FAIL TO EXERCISE DUE CARE, TO PROVIDE FOR EXCEPTIONS AND TO PROVIDE FOR PENALTIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that this act is intended to be used to discourage actions such as texting, "webbing" and e-mailing while operating a motor vehicle.

SECTION 2. That Chapter 6, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-610, Idaho Code, and to read as follows:

49-610. DISTRACTED DRIVING. (1) No person operating a motor vehicle shall use a hand held electronic device that causes such person to be distracted or otherwise fail to exercise due care. This section does not prohibit the use of voice operated or hands free devices that allow the user to review, prepare and transmit a text or voice communication without the use of either hand or to activate, deactivate or initiate a feature or function or to dial a telephone number.

(2) A violation of the provisions of this section shall be an infraction with a fixed penalty of seventy-five dollars (\$75.00). A violation of the provisions of this section where property damage or injury to any person occurs shall be a misdemeanor punishable by a fine of not more than three hundred dollars (\$300) and imprisonment of up to ninety (90) days in jail, or both such fine and imprisonment.